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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/686,973 | 10/16/2003 | Kazuya Sakurai | 36205 | 8095 |

116 7590 10/30/2008

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| EXAMINER | |
|---|---|
| AUGUSTINE, NICHOLAS | |
| ART UNIT | PAPER NUMBER |
| 2179 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 10/30/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/686,973 | SAKURAI ET AL. | |
| | Examiner | Art Unit | |
| | NICHOLAS AUGUSTINE | 2179 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *14 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

**DETAILED ACTION**

A. This action is in response to the following communications: Amendment filed: 07/14/2008. This action is made **Final**.

B. Claims 1-11 remain pending.

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***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1,3-5 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster (US RE39,059), herein referred to as "Foster" in view of Taira et al (US 2003/0113096), herein referred to as "Taira".

As to independent claim 1 , Foster teaches an electronic device (fig. 1, label 200) comprising:

a display portion (fig. 1, label 221) which displays in a hierarchical order a plurality of menus formed in a hierarchical structure (fig. 7, label 710; col. 10, lines 24-28);

a menu-display selecting portion which selects a target menu (fig. 1, label 223; fig. 7, label 723; label 722, soft keys; col. 10, lines 17-19) to be displayed on said display portion (fig. 1, label 221); an execution instructing portion which instructs to execute a target menu (fig. 11, label 1162; col. 11, 48-51) being displayed on said display portion (fig. 1, label 221); a setting portion which sets the target menu being displayed (fig. 9, label 941; col. 10, label 59-64) on said display portion as a direct execution menu (fig. 11, label 1162; col. 11, lines 43-51; fig. 9, label 941; col. 10, label 59-64;, that "dad" was created by using the add screen command at label 941); and one or more direct-execution instructing portion which instructs the electronic device to directly execute the target menu that is set as the direct execution menu (fig. 11, label 1162; col. 11, 48-51; that "dad" in figure 11, label 1162 is direct-execution that executes a target from the menu).

Further Foster teaches a target menu being displayed at the time of the pressing operation is set as the direct execution menu and the direct execution menu is assigned to said pressed direct-execution instructing portion (col.11, lines 15-30; the user is able to assign commands to screen objects and then use the programmable remote for selection).

Foster is not clear on pressing the setting portion and the direct-execution instructing portion simultaneously, even though there is little evidence provided in figure 12, however in the same field of endeavor Taira teaches pressing two keys on a remote control to perform a function (par.362 and figure 48). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the setting portion and the direct-execution portion of Foster to be pressed simultaneously to produce a desired function as taught by Taira. Using the known technique of simultaneously pressing two portions to activate a desired function of Foster would have been obvious to one of ordinary skill. The combination of Foster and Taira yields the predictable result of a remote capable of accepting simultaneous button inputs for performing desired functions such as data assignments.

As to dependent claim 3, Foster further teaches an arbitrary target menu at an arbitrary hierarchical level from among the plurality of menus can be set as the direct execution menu (fig. 11, col. 11, lines 30-51).

As to dependent claim 4 , Foster further teaches one or more of the direct" execution menu (fig. 11, label 1166) can be respectively assigned to each of the one or more direct-execution instructing portion (fig. 9, label 941; col. 10, label 59-64; fig. 11, col. 11, lines 30-51).

As to dependent claim 5, Foster further teaches the direct-execution menu can be directly executed (fig. 11, label 1162; col. 11, 48-51).

As to dependent claim 9 , Foster further teaches the setting portion sets the target menu (fig. 9, label 941; col. 10, label 59-64) as the direct execution menu so as to correspond to the direct-execution instructing portion (fig. 11, label 1162; col. 11, lines 43-51; fig. 9, label 941; col. 10, label 59-64, that "dad" was created by using the add screen command at label 941); and when the direct-execution instructing portion instructs the electronic device, the target menu corresponding to the direct-execution instruction portion is executed (fig. 11,label 1162; col. 11, 48-51, that "dad" in figure 11, label 1162 is direct-execution that executes a target from the menu).

As to dependent claim 10, Foster further teaches the direct-execution instructing portion instructs the electronic device in a state that the display portion displays an initial state of the plurality of menus (fig. 11, label 1166; col. 11, lines 30-33, that "dad" is the original display).

As to dependent claim 11, Foster further teaches the target menu set as the direct execution menu is arranged at a position lower than highest-level menus of the plurality of menus (fig. 11, col. 11, lines 30-51).

5. Claims 2 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster in view of Taira in further view of De Vito et al (US Patent 6,452,616), hereinafter "De Vito".

As to dependent claim 2, Foster does not teach a setting change protecting portion which regulates a change of a setting of the direct execution menu by a password. However, De Vito teaches a setting change protecting portion which regulates a change of a setting of the direct execution menu by a password (col. 7, lines 30-32, is the parental control password that allows or forbids the access to menu items). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster by a setting change protecting portion which regulates a change of a setting of the direct execution menu by a password as taught by De Vito in order to provide protection to menu items and allow only authorized users to modify the target menu items.

As to dependent claim 7, Foster does not teach the setting portion set the password inputted by the setting change protecting portion.
However, De Vito teaches the setting portion set the password inputted by the setting change protecting portion (col. 7, lines 30-32, 52-54, is the child 10ck password that is set be a person with a parental control password that allows or forbids the access to menu items).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster by having the setting portion set the password inputted by the setting change protecting portion as taught by De Vito in order to provide protection to menu items and allow only authorized users to modify the target menu items or not allow access to a specify direct-execution menu.

As to dependent claim 8: Foster does not teach the setting of the direct execution menu cannot be changed unless the password is inputted.

However, De Vito teaches the setting of the direct execution menu cannot be changed unless the password is inputted (col. 7, lines 30-32, 52-54, is the child lock password that is set be a person with a parental control password that allows or forbids the access to menu items).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster by having the setting Of the direct • execution menu cannot be changed unless the password is inputted as taught by De Vito in order to provide protection to menu items and allow only authorized users to modify the target menu items or not allow access to a specify direct-execution menu.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foster in view of Taira in further view of Creamer et al. (US Patent 6,930,709), hereinafter "Creamer".

As to dependent claim 6, Foster does not teach the electronic device is a closed circuit television.

However, Creamer teaches the electronic device is a closed circuit television (col. 5, lines 20-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster by having the electronic device is a closed circuit television as taught by De Vito in order to provide the electronic portion in a closed CCTV system to allow limited access to the electronic device by a group of users.

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**(Note:)** **It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).**

***Response to Arguments***

Applicant's arguments filed 07/14/2008 have been fully considered but they are not persuasive.

After careful review of the amended claims (given the broadest interpretation) and the remarks provided by the Applicant along with the cited reference(s) the Examiner does not agree with the Applicant for at least the reasons provided below:

A1. Applicant argues that Foster does not teach wherein when said setting portion and one of said direct-execution instructing portions are pressed simultaneously, a target menu being displayed at the time of the pressing operation is set as the direct

execution menu and the direct execution menu is assigned to said pressed direct-execution instructing portion.

R1. Examiner does not agree, Further Foster teaches a target menu being displayed at the time of the pressing operation is set as the direct execution menu and the direct execution menu is assigned to said pressed direct-execution instructing portion (col.11, lines 15-30; the user is able to assign commands to screen objects and then use the programmable remote for selection). Although Foster is not clear on pressing the setting portion and the direct-execution instructing portion simultaneously, even though there is little evidence provided in figure 12. This is where Taira is introduced to cure the deficiencies of Foster in such that Taira teaches pressing two keys on a remote control to perform a function (par.362 and figure 48). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the setting portion and the direct-execution portion of Foster to be pressed simultaneously to produce a desired function as taught by Taira.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Inquires***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/
Examiner
Art Unit 2179
October 23, 2008

/Ba Huynh/
Primary Examiner, Art Unit 2179